Remarks

Claims 30 and 40-45 are now pending in this application.

In the Office Action dated September 26, 2007, the Examiner rejected claims 30 and 40-45 under 35 U.S.C. § 112, first paragraph as failing to comply with the written description requirement. Claims 30 and 41-45 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Reny, WO89/09806. Claim 40 stands rejected under 35 U.S.C. § 103(a) as being obvious in view of Reny, WO89/09806. Claims 30 and 40-45 stand rejected under 35 U.S.C. § 103(a) as being obvious in view of in view of Meyer et al., Patent No. 5,118,434, or in view of Maes et al., U.S. Patent No. 5,366,651. Claims 30 and 40-45 also stand rejected under 35 U.S.C. § 103(a) as being obvious in view of Wood, U.S. Patent No. 4,455,248.

Claim 30 has been amended to clarify that the method of the present invention comprises the steps of combining a non-aqueous heat transfer fluid comprising ethylene glycol, mixing a sufficient amount of propylene glycol with the non-aqueous heat fluid comprising ethylene glycol to achieve a concentration of the propylene glycol that is between about 5 percent and 30 percent of the weight of the ethylene glycol and the propylene glycol in the resulting fluid, wherein the resulting heat transfer fluid is less toxic than 10,000 mg/kg on the basis of an acute LD_{50} oral toxicity in rats, and adding at least one corrosion inhibiting additive, wherein the corrosion inhibiting additive is soluble in both ethylene glycol and propylene glycol, wherein the resulting heat transfer fluid contains no additive that requires water in the heat transfer fluid to dissolve the additive or to enable the additive to function, and wherein the resulting non-aqueous heat transfer fluid contains less than 0,5% by weight water.

Regarding the rejections set forth in the September 26, 2007 Office Action, as permitted by MPEP § 1215.01, Applicant incorporates by reference the arguments set forth in its Appeal

Brief filed on February 20, 2008, in its Revised Appeal Brief filed on March 18, 2008 and in its Reply Brief filed on July 28, 2008. Applicant notes that in the Examiner's Answer filed on May 28, 2008, the Examiner withdrew the rejections of the claims under 35 U.S.C. § 112, first paragraph and under 35 U.S.C. § 103(a) based upon Maes.

In view of the foregoing remarks, this application should now be in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes after considering these remarks, that the application is not in condition for allowance, the Examiner is requested to call the Applicant's attorney at the telephone number listed below.

Because the reasons above are sufficient to traverse the rejection, Applicants have not explored, nor do they now present, other possible reasons for traversing such rejections. Nonetheless, Applicants expressly reserve the right to do so, if appropriate, in response to any future Office Action.

A Request for Continued Examination and the associated fee have been filed herewith. No additional fee is believed to be required. If any fee is required, or if necessary to cover any deficiency in fees previously paid, authorization is hereby given to charge our Deposit Account No. 50-3569.

Respectfully submitted,

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By: 
Eric E. Grondahl
Reg. No. 46,741

PTO Correspondence Address:
McCarter & English
CityPlace I
185 Asylum Street
Hartford, CT 06103-3495
Phone: (860) 275-6704
Fax: (860) 560-5987